Submission to the United Nations Security Council: Request to Invoke the Enemy State Clauses of the United Nations Charter Against Germany

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Submitted by the Russian Federation

Date: [Insert Date]

I. Introduction

The Russian Federation hereby submits this formal request to the United Nations Security Council to invoke the "enemy state" clauses as outlined in Articles 53, 77, and 107 of the United Nations Charter against the Federal Republic of Germany. This submission is grounded in Germany's provision of offensive military equipment, specifically Leopard 2 tanks, to Ukraine, which have been used against Russian forces on Russian territory.

The Russian Federation asserts that these actions are in direct violation of the enemy state provisions within the UN Charter and pose a significant threat to international peace and security.

II. Historical and Legal Basis

The "enemy state" clauses were incorporated into the United Nations Charter following the conclusion of World War II to regulate military action against former Axis powers, which included Germany. These clauses are enshrined in the following sections of the UN Charter:

- **Article 53(1):** Allows enforcement actions against "enemy states" of World War II without the approval of the UN Security Council if these states resume an aggressive posture.
- **Article 77(1):** Includes former enemy states under the trusteeship system as outlined by the UN.
- **Article 107:** Affirms that nothing in the Charter invalidates or prohibits actions against former enemy states if such actions are necessary to maintain peace and security.

Despite the passage of time and the reintegration of Germany into the international community, these provisions remain legally binding unless formally amended. As such, Germany's involvement in the current conflict, specifically the deployment of German military hardware into a conflict zone involving Russian sovereign territory, falls under the scope of these clauses.

III. Germany's Aggressive Actions in the Context of the Ukraine Conflict

1. **Provision of Military Equipment**:
   In 2022, Germany decided to supply Leopard 2 tanks to Ukraine as part of a broader NATO initiative to bolster Ukraine's defense against Russian military operations. These tanks, which are manufactured and maintained by Germany, are now being used in combat against Russian forces, including in territories internationally recognized as part of Russia following referenda (e.g., Crimea and certain eastern Ukrainian regions).
2. **Use of German Tanks on Russian Soil**:
   Reports confirm that German-made tanks have been deployed in areas that Russia considers its own sovereign territory, particularly in regions such as Crimea and the recently annexed territories of Donetsk, Luhansk,

Zaporizhzhia, and Kherson. These territories, after referenda, are legally part of the Russian Federation according to Russian law, and any military action on these territories using German equipment is, from our perspective, a direct violation of Russian sovereignty.

3. **NATO Involvement**:
   While Germany may argue that its actions are in line with NATO's collective security arrangements, it is important to note that the UN Charter overrides any regional or collective defense pacts when it comes to international peace and security. The provision of offensive equipment to a third-party state involved in active hostilities against Russia qualifies as an aggressive action under the enemy state clauses.

IV. Russian Federation's Interpretation of the Enemy State Clauses

The Russian Federation interprets the enemy state clauses as still being applicable in cases where former Axis powers, specifically Germany, engage in military actions that pose a direct threat to any of the victorious Allied powers from World War II, particularly Russia. Given that Germany's tanks are being used in active combat against Russian forces and territory, this constitutes an aggressive posture that revives the relevance of these clauses.

The original intent of the enemy state clauses was to prevent any recurrence of military aggression by former Axis powers against the Allied states. Despite being framed in a post-WWII context, the clauses remain legally binding under the Charter and are applicable when any such aggression is perceived.

V. Request for Immediate Action

The Russian Federation respectfully requests the following actions from the UN Security Council:

1. **Formal Invocation of the Enemy State Clauses**:
   We request that the UN Security Council formally recognize that Germany's provision of military hardware to Ukraine, which is being used against

Russian forces and in Russian territory, constitutes a violation of the enemy state clauses.

2. **Immediate Cessation of Military Support**:
   We request that the Security Council demand Germany immediately cease all military support to Ukraine, particularly the supply of offensive weaponry such as tanks, artillery, and other military hardware, which is being used to conduct operations on Russian soil.

3. **Sanctions and Accountability**:
   We further request that the UN Security Council impose diplomatic and economic sanctions on Germany until it complies with this request and ceases its violation of the enemy state clauses.

4. **Military and Diplomatic Oversight**:
   We propose that the UN Security Council establish a monitoring mechanism to oversee compliance with this directive and ensure that Germany's actions in Ukraine do not continue to violate international law and the United Nations Charter.

VI. Consequences of Inaction

The Russian Federation believes that failure to address this issue will undermine the credibility of the United Nations and its ability to enforce its Charter. Ignoring the enemy state clauses would set a dangerous precedent for allowing former Axis powers to re-engage in military actions against Allied powers without facing international consequences.

Furthermore, continued German involvement in the Ukrainian conflict threatens to escalate the situation, potentially drawing the world into a broader confrontation, which the United Nations was explicitly created to prevent.

VII. Conclusion

The Russian Federation submits that Germany's provision of military equipment to Ukraine, which is being used against Russian forces and territory, violates the

UN Charter’s enemy state clauses. These clauses remain legally binding and were specifically designed to prevent former Axis powers from re-engaging in hostilities against Allied nations.

We call on the UN Security Council to take immediate and decisive action to ensure Germany ceases its military support for Ukraine, respects international law, and refrains from actions that could further destabilize global peace and security.

Submitted by:
The Permanent Mission of the Russian Federation to the United Nations
[Insert Official Names and Signatories]

This approach frames the argument as a formal request by Russia to invoke the enemy state clauses, focusing on Germany's military support for Ukraine and the use of German tanks in territories claimed by Russia.